

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ALLEN SABIN,

Petitioner,

v.

CASE NO. 01-CV-72377-DT
HON. JOHN CORBETT O'MEARA

WARDEN LAVIGNE,

Respondent.

**ORDER DENYING PETITIONER'S MOTION TO PROCEED
WITHOUT RESPONDENT'S SUPPLEMENTAL ANSWER**

This habeas corpus action was reinstated on the Court's docket on June 6, 2005, when the Court granted Petitioner's motion to reinstate his case and ordered Respondent to file a supplemental answer to Petitioner's claims within thirty days. Respondent filed his answer thirty days later on July 6, 2005. Petitioner, nevertheless, has filed a motion seeking to have the Court adjudicate his habeas claims without Respondent's supplemental answer. Petitioner asserts that Respondent failed to file his supplemental answer within the prescribed time.

As noted, Respondent filed a timely answer to Petitioner's habeas claims on the last day of the prescribed time. Accordingly, Petitioner's motion for the Court to proceed without Respondent's supplemental answer [Doc. #30, July 14, 2005] is DENIED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: November 8, 2005